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To Group A-AND-R-DOCKET@EPA

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Subject Attention: Docket ID No. EPA-HQ-OAR-2008-0508,

Please accept the following comments on behalf of the Minnesota Resource Recovery Association whose membership includes 10 waste to energy facilities serving Minnesotans with renewable energy.

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Environmental Protection Agency, EPA Docket Center
(EPA/DC), Mailcode 6102T,
1200 Pennsylvania Avenue, NW., Washington, DC 20460.

Attention: Docket ID No. EPA-HQ-OAR-2008-0508,

These comments are offered on behalf of the Minnesota Resource Recovery Association (MRRA) which represents 10 waste to energy facilities in the State of Minnesota producing over 100 MW of green power.

The MRRA objects to the proposed rule in section (f) on page 16637 of the Federal Register, Volume 74, No. 68 that requires a determination of the biogenic portion of CO₂ emissions utilizing ASTM D6866-06a and ASTM D 7459-08. The rule requires that the tests be performed every calendar quarter. This testing methodology and frequency are burdensome for waste to energy facilities and add undue hardship to the public sector as all costs of such testing will have to be paid for by residents of the community where the facility is located. Choosing to manage waste utilizing a renewable technology which also provides sustainability already is more expensive than landfilling and yet it does not appear that landfill gas needs to be tested for its biogenic CO₂. This rule is thus arbitrary and capricious and without merit as there is no parity with another renewable source and that source, landfill gas recovery, is a less preferred, less regulated and less expensive management option.

In Minnesota, we have gathered information every five years from waste sorts performed consistent with applicable rules. These sorts indicate that the waste stream components have not varied significantly in the last twenty years and that approximately 66% of the waste, when combusted, would produce biogenic CO₂. Testing quarterly is totally unnecessary and the rule should offer acceptable alternatives as follows:

- 1) No testing is required unless the facility proposes to sell its renewable electricity to the grid; and
- 2) Testing only applies if there is parity with landfill gas recovery systems also performing an equal amount of testing; and
- 3) Testing only once every three years is adequate (in conjunction with other stack testing) or

- 4) Allowing in the alternative, the use of waste sort data to calculate the biogenic portion of CO₂

Thank you for the opportunity to comment.

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